



MEMORANDUM
MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT
We strive to be caring, professional and fair

To: Monroe County Planning Commission

Through: Mayté Santamaria, Senior Director of Planning & Environmental Resources

From: Emily Schemper, AICP, Comprehensive Planning Manager

Date: January 12, 2017

Subject: REQUEST BY STANDARD MARINE SUPPLY CORP TO AMEND THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM URBAN RESIDENTIAL-MOBILE HOME (URM) TO MIXED USE (MU), FOR PROPERTY LOCATED AT 5713 FIRST AVENUE SOUTH, STOCK ISLAND.

Meeting: January 25, 2017

I. REQUEST

On October 11, 2016, Standard Marine Supply Corp (Agent: Trepanier & Associates) submitted an application requesting to amend the Land Use District (Zoning) map of the Monroe County Land Development Code (LDC) from Urban Residential-Mobile Home (URM) to Mixed Use (MU) for property located at 5713 First Avenue South, Stock Island, having real estate number 00124700.000000.

Existing Zoning



Proposed Zoning



II. BACKGROUND INFORMATION

Site Information

Location: Stock Island,

Address: 5713 First Avenue

Legal Description: Block 34, Lots 11, 12, 13, 14, and 15, McDonald's plat of Stock Island (Plat Book 1, Page 55), Stock Island, Monroe County, Florida

Real Estate Number: 00124700.000000

Owner/Applicant: Standard Marine Supply Corp

Agent: Trepanier & Associates

Size of Site: 31,250 SF (0.72 acres)

Land Use District (Zoning): Urban Residential-Mobile Home (URM)

FLUM Designation: Residential High (RH)

Tier Designation: Tier 3

Flood Zones: AE (EL 9)

Existing Use: Light Industrial (Car Quest Auto Parts)

Existing Vegetation/Habitat: Scarified

Community Character of Immediate Vicinity: Adjacent land has Zoning designations of MU, RV, URM, and URM-L. Adjacent uses include mobile home parks, commercial retail, restaurant, and light industrial uses.

With the adoption of the Comprehensive Plan's FLUM in 1997, the subject parcel was given its current FLUM designation of Residential High (RH).

The subject parcel has a current Land Use District (Zoning) designation of Urban Residential Mobile (URM). The property was within a BU-2 (Medium Business) district prior to September 15, 1986 when it was re-designated as Urban Residential-Mobile Home (URM) (the final adoption of the Zoning map was in 1992). In 1996, Ordinance 009-1996 amended the zoning designation of adjacent Lots 1-10 and 16-20 on the same block (Block 34) from URM to Urban Residential Mobile Home-Limited (URM-L). The revised zoning map drawn based on Ordinance 009-1996 erroneously included Lots 11-15 (the subject property) within the new URM-L boundary. There has been confusion over whether the subject parcel currently has a zoning designation of URM or URM-L. Based on the legal description provided within the text of Ordinance 009-1996, Lots 11-15 were never officially changed from URM to URM-L, and therefore the subject property has a current zoning designation of URM.

The subject property is currently developed with a light industrial use, including a 9,963 SF auto parts/repair building and associated outdoor storage.

The applicant is also requesting a corresponding amendment to the FLUM designation for the property from RH to Mixed Use/Commercial (MC). *The subject of this staff report is the proposed Zoning amendment.*

The proposed Zoning map amendment is necessary to be consistent with the proposed FLUM amendment. Note, Florida Statute Sections 163.3194 and 163.3201 require land development regulations to be consistent with and implement the Comprehensive Plan.

Lawful Nonconformity

On June 18, 2012, the Planning & Environmental Resources Department issued a Letter of Development Rights Determination (LDRD) (with an addendum issued on August 13, 2012), which recognized the existing light industrial use as lawfully established and also determined that the existing building consists of 9,963 square feet. Note: although the LDRD was written under the assumption that the subject property had a zoning designation of URM-L, as mentioned earlier, it has now been determined that the property's zoning designation is URM. The findings of the LDRD are still applicable to the property with a URM zoning designation, as described below.

The existing light industrial use on the subject parcel is not a permitted use in the URM zoning district. Section 130-99 of the Monroe County Land Development Code (LDC) does not list light industrial uses as permitted as of right, or with a minor or major conditional use permit. Additionally, §130-164 does not include any nonresidential intensity standard for light industrial uses within the URM district.

The existing light industrial use is therefore inconsistent with the URM zoning category, as it does not conform to its permitted uses or density and intensity standards. As such, the use is considered nonconforming to the provisions of the LDC, and as it was lawfully established, the light industrial use may continue to exist per the nonconformity policies of §102-56.

The applicant is requesting to amend the zoning designation from URM to MU in order to eliminate the nonconformity. The proposed zoning amendment, together with the associated proposed FLUM amendment from RH to MC, will eliminate the nonconformity of the use.

The current Planning & Environmental Resources Department's fee schedule (adopted August 17, 2016 by Resolution #152-2016) includes a special provision for properties with certain nonconforming uses. The BOCC first adopted this provision as an amendment to the fee schedule on April 18, 2012 by Resolution #127-2012. This resolution amended the Planning & Environmental Resources Department's fee schedule to waive application fees for property owners applying for a LUD map and/or FLUM amendment that eliminates a lawfully established nonconforming use created with the final adoption of the LUD map and/or FLUM, and which does not create an adverse effect on the community. To be exempt from the LUD map amendment application fee, the property owner must provide satisfactory evidence that the existing use on the site also existed lawfully in 1992 and was deemed nonconforming by final adoption of the LUD map.

On August 8, 2013, Monroe County Planning staff issued a Letter of Understanding (LOU) concerning the property (File #2013-080; Exhibit 1). As detailed in the LOU, staff has found that there is satisfactory evidence that the existing light industrial use on the site was lawfully established, and also existed lawfully in 1992 and was deemed nonconforming by final adoption of the LUD map; and the use existed lawfully on the site in 1997 and was deemed nonconforming by final adoption of the FLUM. Note: although the LOU was written under the assumption that the subject property had a zoning designation of URM-L, as mentioned earlier, it has now been determined that the property's zoning designation is URM. The findings of the LOU are still applicable to the property with a URM zoning designation, as described in this staff report.

In the LOU, staff also determined that, if the applicant requests a FLUM and/or LUD designation that permits the existing light industrial use, the request would qualify for the fee exemption to the FLUM and/or LUD Amendment. The applicant's request to change the FLUM designation of the property to MC would permit the existing light industrial use, and the applicant's request to change the Zoning designation to MU would permit the existing light industrial use; therefore, the requests qualify for the fee exemption.

Livable CommuniKeys Plan

Comprehensive Plan Policy 101.19.1 states, "Monroe County shall develop, maintain, and update periodically, as appropriate, with public input, the Livable CommuniKeys Community Master Plans." These "CommuniKeys Plans" implement a vision that was developed by the local community.

In 2007, the BOCC adopted Policy 101.19.2(5) which incorporated the Stock Island/Key Haven Livable CommuniKeys Plan into the Monroe County Comprehensive Plan. Strategy 2.2 of the plan states, *"Review and evaluate the land use designation of lawfully established non-conforming land uses and structures within the planning area to determine appropriate Land Use District designation."* Action Item 2.2.1 of the plan states, *"Promote community character, establish conformance and resolve land use issues by identifying and changing the land use designation on parcels of land containing non-conforming uses and rezone as appropriate."*

The proposed LUD map amendment and associated FLUM amendment implement this Strategy and Action Item of the Stock Island/Key Haven Livable CommuniKeys Plan by resolving an existing lawfully established land use nonconformity within the planning area.

III. AMENDMENT REVIEW

Maximum Allocated Density and Intensity by Land Use District (Zoning)

The table below provides an approximation of the development potential for residential, transient and commercial development. Section 130-156(b) of the Land Development Code states: "The density and intensity provisions set out in this section are intended to be applied cumulatively so that no development shall exceed the total density limits of this article. For example, if a development includes both residential and commercial development, the total gross amount of development shall not exceed the cumulated permitted intensity of the parcel proposed for development."

Existing Zoning	Type	Adopted Standards	Development Potential
Urban Residential Mobile Home – Limited (URM) 0.72 acres (31,250 sf) 5 platted lots	Residential Allocated Density/Acre	1 du/lot	5 du
	Transient Allocated Density/Acre	5 rooms/spaces /acre	3.6 rooms/spaces
	Nonresidential Maximum Intensity	0 FAR*	0 sf*

Proposed Zoning	Type	Adopted Standards	Development Potential
Mixed Use (MU) 0.72 acres (31,250 sf)	Residential Allocated Density/Acre	1 du/acre	0.7 du
	Transient Allocated Density/Acre	10 rooms/spaces /acre	7.2 rooms/spaces
	Nonresidential Maximum Intensity	0.40 FAR	12,500 sf
Net Change in Development Potential Based on Zoning	Residential: -4.3 du		
	Transient: +3.6 rooms/spaces		
	Nonresidential: +12,500 sf		
*LDC Section 130-164 states: “Where commercial uses are allowed as permitted uses, and no FAR is given, the maximum per lot stated in article III of this chapter shall prevail.” However, although Section 130-99 lists commercial and office uses as permitted uses in the URM district, the corresponding FLUM category of RH does not allow nonresidential uses and has an FAR of 0, per Policy 101.5.25.			

As shown in the table above, the proposed zoning amendment would result in a decrease in residential development potential of 4.3 dwelling units, an increase in transient development potential of 3.6 rooms or spaces, and an increase in nonresidential development potential of 12,500 sf.

Monroe County currently does not award ROGO allocations for the development of NEW transient residential units (e.g., hotel & motel rooms), pursuant to MCCP Policy 101.2.6. For the development of transient units in unincorporated Monroe County, existing transient units must be transferred from the same ROGO subarea to a parcel designated as Tier III.

Compatibility with the Surrounding Area



- a. Existing Vegetation/Habitat: Scarified
- b. Existing Tier Designation: Tier 3
- c. Endangered Species Habitat: zero species focus areas or buffers
- d. Existing Use: Light Industrial/auto repair
- e. Community Character of Immediate Vicinity: Adjacent uses include mobile home parks, commercial retail, restaurant, and light industrial uses.

The proposed change in zoning designation is consistent with the historical use of the subject property (light industrial) as well as the character of surrounding commercial, light industrial, and high density residential uses.

Concurrency Analysis (Comprehensive Plan Policy 101.1.1)

Traffic Circulation (Comprehensive Plan Policy 301.1.1)

The subject property is located on Stock Island with nearest access to US1 via 2nd Street at approximate mile marker 5. The 2015 US 1 Arterial Travel Time and Delay Study for Monroe County indicates levels of service (LOS) of “B” for Segment 1 (Stock Island, mm 4.0-5.0), with 1,986 reserve trips. U.S 1 is required to maintain a LOS of “C” in order to support development.

The proposed zoning amendment would result in a decrease of 4.3 dwelling units in permanent residential development potential, an increase in transient development potential of 3.6 rooms or spaces and an increase in nonresidential development potential of 12,500 sf. At the time of any development approval on the site, traffic concurrency will be reviewed and must maintain a LOS of “C” on Segment 1 of US1. Therefore, the proposed zoning amendment is not anticipated to adversely impact the Traffic Circulation LOS.

Potable Water (Comprehensive Plan Policy 701.1.1)

FKAA’s Water Treatment Facility in Florida City has a maximum water treatment design capacity of 29.8 million gallons per day (MGD). This consists of 23.8 MGD from the Biscayne Aquifer through the primary conventional water treatment process and 6 MGD from the brackish Floridan Aquifer through the secondary Reverse Osmosis (RO) treatment plant. There are also two saltwater Reserve Osmosis (RO) plants, located on Stock Island and Marathon, which are able to produce potable water under emergency conditions. The RO desalination plants have design capacities of 2.0 and 1.0 MGD of water, respectively. The 2015 projection for annual average daily demand is 17.76 MGD which is well below FKAA’s Water Use Permit amount of 23.98 MGD.

Per Policy 701.1.1, the adopted LOS for potable water in Monroe County is 100 gal/capita/day. The proposed zoning amendment would result in a decrease of 4.3 dwelling units in permanent residential development potential, and therefore is not anticipated to adversely impact the Potable Water LOS.

Solid Waste (Comprehensive Plan Policy 801.1.1)

Monroe County has a contract with Waste Management through September 30, 2024. The contract authorizes the use of in-state facilities; thereby, providing the County with approximately eight years of guaranteed capacity for the haul out and disposal of 95,000 tons/year of solid waste not including yard waste.

The proposed zoning amendment would result in a decrease of 4.3 dwelling units in permanent residential development potential, and therefore no additional solid waste demand. Solid waste for nonresidential development is handled by private contract. Therefore, the proposed zoning amendment is not anticipated to adversely impact the Solid Waste LOS.

Sanitary Sewer (Comprehensive Plan Policy 901.1.1)

The property is connected to the Key West Resort Utilities sewer system. The proposed zoning amendment is not anticipated to adversely impact the Sanitary Sewer LOS.

IV. CONSISTENCY WITH THE MONROE COUNTY YEAR 2030 COMPREHENSIVE PLAN AND THE MONROE COUNTY LAND DEVELOPMENT CODE

A. The proposed amendment is consistent with the following Goals, Objectives and Policies of the Monroe County Year 2030 Comprehensive Plan. Specifically, it furthers:

Goal 101

Monroe County shall manage future growth to enhance the quality of life, ensure the safety of County residents and visitors, and protect valuable natural resources.

Objective 101.1

Monroe County shall ensure that all development and redevelopment taking place within its boundaries does not result in a reduction of the level-of-service requirements established and adopted by this comprehensive plan. Further, Monroe County shall ensure that comprehensive plan amendments include an analysis of the availability of facilities and services or demonstrate that the adopted levels of service can be reasonably met.

Objective 101.5

Monroe County shall regulate future development and redevelopment to maintain and enhance the character of the community and protect natural resources by providing for the compatible distribution of land uses consistent with the designations shown on the Future Land Use Map.

Policy 101.5.6

The principal purpose of the Mixed Use/Commercial (MC) future land use category is to provide for the establishment of mixed use commercial land use (zoning) districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted. In addition, Mixed Use/Commercial land use districts are to establish and conserve areas of mixed uses, which may include maritime industry, light industrial uses, commercial fishing, transient and permanent residential, institutional, public, and commercial retail uses.

This future land use category is also intended to allow for the establishment of mixed use development patterns, where appropriate. Various types of residential and nonresidential uses may be permitted; however, heavy industrial uses and similarly incompatible uses shall be prohibited. The County shall continue to take a proactive role in encouraging the preservation and enhancement of community character and recreational and commercial working waterfronts.

* * *

Objective 101.8

Monroe County shall eliminate or reduce the frequency of uses which are inconsistent with the applicable provisions of the land development regulations, zoning districts, Future Land Use categories and the Future Land Use Map. In Monroe County, some nonconforming uses are an important part of the community character and the County desires to maintain such character and protect these lawfully established, nonconforming uses and allow them to be repaired or replaced.

GOAL 102

Monroe County shall direct future growth to lands which are most suitable for development and shall encourage conservation and protection of environmentally sensitive lands (wetlands, beach berm and tropical hardwood hammock).

Stock Island/Key Haven Livable CommuniKeys Master Plan

Strategy 2.2

Review and evaluate the land use designation of lawfully established non-conforming land uses and structures within the planning area to determine appropriate Land Use District designation.

Action Item 2.2.1

Promote community character, establish conformance and resolve land use issues by identifying and changing the land use designation on parcels of land containing non-conforming uses and rezone as appropriate.

B. The proposed amendment is consistent with the provisions and intent of the Monroe County Code Land Development Code.

In accordance with MCC §102-158(d)(5)b., the BOCC may consider the adoption of an ordinance enacting the proposed change based on one or more of the following factors:

1. Changed projections (e.g., regarding public service needs) from those on which the text or boundary was based;

As stated by the applicant, "The property has always been a commercial property and has never been used for residential. The designation of [URM] zoning was an error which occurred as part of the development of the 1986 zoning map."

2. Changed assumptions (e.g., regarding demographic trends);

N/A

3. Data errors, including errors in mapping, vegetative types and natural features described in volume 1 of the plan;

As stated by the applicant, "The property was incorrectly zoned [URM] in the 1986 zoning maps. The property has always been commercial and the proper zoning is Mixed Use (MU). The map error made the property non-conforming."

Staff notes that on June 18, 2012, the Planning & Environmental Resources Department issued a Letter of Development Rights Determination (LDRD), which

recognized the existing light industrial use as lawfully established since the 1960s and also determined that the existing building consists of 9,963 square feet.

Staff points out that the applicant has proposed a corresponding FLUM amendment changing the FLUM designation on the site from Residential High to Mixed Use/Commercial. The proposed Zoning map amendment is necessary to be consistent with the proposed FLUM amendment. Note, Sections 163.3194 and 163.3201, F.S., require land development regulations to be consistent with and implement the Comprehensive Plan.

4. New issues;

As stated by the applicant, “The commercial use of the property is a legally non-conforming use. However, the [URM] zoning makes basic commercial activities, such as installing a sign, much more complicated and difficult. MU zoning will alleviate this unnecessary zoning hardship.”

5. Recognition of a need for additional detail or comprehensiveness; or

N/A

6. Data updates;

N/A

In accordance with MCC §102-158(d)(5)c., in no event shall an amendment be approved which will result in an adverse community change to the planning area in which the proposed development is located or to any area in accordance with a livable communities master plan pursuant to findings of the board of county commissioners.

The subject property is adjacent to commercial, light industrial and high density residential uses and has historically been used for light industrial uses (since the 1960s). It is anticipated that the proposed Zoning map amendment for the site will not result in an adverse community change to the surrounding area.

V. STAFF RECOMMENDATION

Staff recommends approval of the proposed amendment to the Land Use District (Zoning) map of the Monroe County Land Development Code (LDC) from Urban Residential-Mobile Home (URM) to Mixed Use (MU) for property located at 5713 First Avenue South, Stock Island, having real estate number 00124700.000000.

VI. EXHIBITS

1. LOU dated August 8, 2013.
2. Proposed Zoning Map Amendment.

**County of Monroe
Growth Management Division**

Planning & Environmental Resources

Department

2798 Overseas Highway, Suite 410
Marathon, FL 33050
Voice: (305) 289-2500
FAX: (305) 289-2536



Board of County Commissioners

Mayor George Neugent, Dist. 2
Mayor Pro Tem, Heather Carruthers, Dist. 3
Danny L. Kolhage, Dist. 1
David Rice, Dist. 4
Sylvia J. Murphy, Dist. 5

August 8, 2013

Trepanier & Associates, Inc.
Attn: Owen Trepanier
PO Box 2155
Key West, FL 33045

SUBJECT: LETTER OF UNDERSTANDING CONCERNING THE 'STANDARD MARINE SUPPLY CORP' PROPERTY, LOCATED AT 5713 FIRST AVENUE, STOCK ISLAND, HAVING REAL ESTATE NUMBER 00124700.000000

Mr. Trepanier,

Pursuant to §110-3 of the Monroe County Code (MCC), this document shall constitute a Letter of Understanding (LOU). On June 27, 2013, a Pre-Application Conference regarding the above-referenced property was held at the office of the Monroe County Planning & Environmental Resources Department in Marathon. Attendees of the meeting included Mary Felger, Owen Trepanier, and Jorge Ramos (hereafter referred to as "the Applicant") and Matt Coyle, Planner, Joseph Haberman, Planning & Development Review Manager, and Michael Roberts, Senior Administrator of Environmental Resources (hereafter referred to as "Staff").

Materials presented for review included:

- (a) Pre-Application Conference Request Form;
- (b) Monroe County Property Record Card; and
- (c) Monroe County Land Use District Map and Future Land Use Map.

The Applicant requested a special letter of understanding in order to confirm whether the existing light industrial use on the subject property is lawfully nonconforming and how to resolve the nonconforming issue using the map amendment process. In addition, the Applicant requested whether a proposed business, described as a 'wholesale swimming pool supply' operation, would be considered a light industrial use and thereby be able to utilize the subject property under its current Land Use District (LUD) and Future Land Use Map (FLUM) designations.



Subject Property with Land Use Districts Overlaid (Aerial dated 2012)

Status of Existing Nonconforming Use:

The subject property currently has a LUD designation of Urban Residential Mobile Home Limited (URM-L) and a FLUM designation of Residential High (RH). It had a BU-2 district (Medium Business) designation prior to 1986 when it was re-designated as URM (and later modified to URM-L).

Regarding the development and use of the existing building on the property, the Planning & Environmental Resources Department issued a letter of development rights determination on June 18, 2012 (with an addendum issued on August 13, 2012). As stated in the June 18, 2012 letter, Staff previously determined that the existing building consists of 9,963 square feet. The oldest part of the building was built in 1958 prior to county building permit requirements, with additions permitted in 1960 (Building Permit #1145) and 1984 (Building Permits #A-11338 and #A-12319). All building permits on file for improvements to the building and site since 1960 indicate that the building has been continuously utilized for light industrial use. In addition, aerial photography supports the continuous existence of outdoor storage adjacent to the building.

As defined in Monroe County Code (MCC) §101-1, a *light industrial use* is an industrial use that is not a heavy industrial use. *Industrial use* means a use devoted to the manufacture, warehousing, assembly, packaging, processing, fabrication, storage or distribution of goods and materials whether new or used or the substantial refinishing, repair and/or rebuilding of vehicles or boats. *Heavy industrial use* means an industrial use with greater than average potential impacts on the environment and that is characterized by significant impacts on adjacent uses in terms of noise, hazards and odors, such as junkyards, marine railways and dry docks, bulk petroleum storage, and resource extraction where more than 20 percent of the use takes place outside of an enclosed building or where exterior storage equals or exceeds building floor area.

The light industrial use is not consistent with the RH FLUM category, as it does not conform to its purpose, which is set forth in Monroe County Comprehensive Plan (CP) Policy 101.4.4. Further, pursuant to CP Policy 101.4.21, the RH FLUM category has a floor area ratio of "0" for all nonresidential uses. As such it is considered a nonconforming use to the provisions of the CP and as it was lawfully established, the light industrial use may continue to exist per the nonconformity policies provided under CP Objective 101.8.

The light industrial use is not consistent with the URM-L LUD designation, as it does not conform to purpose of the URM-L district, which is set forth in MCC §130-50, and it is not listed permitted use in the URM-L district, which are set forth in MCC §130-100. Further, pursuant to MCC §130-164, the URM-L district does not have a floor area ratio assigned for light industrial use. As such it is considered a nonconforming use to the MCC and as it was lawfully established, the light industrial use may continue to exist per the nonconforming use regulations provided under MCC §102-56.

Pursuant to MCC §102-55, all known, lawful nonconforming uses may be registered with the Planning & Environmental Resources Department. Once discovered and determined to be lawful, the planning director, or his or her designee, shall add recognized lawful nonconforming uses to an official registry.

Use Classification of the Proposed 'Wholesale Swimming Pool Supply' Business:

Based on a review of documentation concerning such businesses, the business as described in the letter of understanding application and at the pre-application conference is a light industrial use. It thereby may utilize the subject property under its current URM-L LUD and RH FLUM designations.

In general, lawful nonconforming uses may continue so long as the nonconformity is not expanded. Normal maintenance and repair to permit continuation of nonconforming uses registered in accordance with MCC §102-55 may be performed.

The floor area within the existing building may be used in its entirety for the light industrial use, which includes storage, and administrative activities associated with the light industrial use. In addition, limited outdoor storage may exist. Outdoor storage a) may not be located in a required setback (per MCC §130-186), b) may not include any items that would result in significant

impacts on adjacent uses in terms of noise, hazards and odors (per MCC §101-1, *heavy industrial use*), and may not exceed 9,963 square feet in area (per MCC §101-1, *heavy industrial use*).

Note: This decision is by the Planning & Environmental Resources Department and pertains to use under the CP and MCC only. The Applicant is advised to consult with the Office of the Fire Marshal and Building Department to determine the applicability of regulations, and possible restrictions, outside of the CP and MCC that pertain to the proposed items to be stored as part of the business, such as the chlorine.

Map Amendment Process to Turn the Existing Nonconforming Use into a Conforming Use:

The Board of County Commissioners passed and adopted a Planning & Environmental Resources Department's fee schedule (currently Resolution #183-2013). Of relevance to the subject property and the development thereon, the fee schedule currently includes the following provision:

There shall be no application or other fees, except advertising and noticing fees, for property owners who apply for a map amendment to the official [Land Use District (LUD)] map and/or the official [Future Land Use Map (FLUM)], if the property owner can provide satisfactory evidence that a currently existing use on the site that also existed lawfully in 1992 was deemed nonconforming by final adoption of the LUD map and/or a currently existing use on the site that also existed lawfully on the site in 1997 was deemed nonconforming by final adoption of the FLUM. To qualify for the fee exemption, the applicant must apply for a LUD and/or FLUM designation(s) that would eliminate the non-conforming use created with adoption of the existing designation(s) and not create an adverse impact to the community. Prior to submittal of a map amendment application, the applicant must provide the evidence supporting the change and application for a fee exemption with the proposed LUD map/FLUM designations to the Monroe County Planning & Environmental Resources Department as part of an application for a Letter of Understanding. Following a review, the Director of Planning & Environmental Resources shall determine if the information and evidence is sufficient, and whether the proposed LUD map and/or FLUM designations are acceptable for the fee waiver, and approve or deny the fee exemption request. This fee waiver Letter of Understanding shall not obligate the staff to recommend approval or denial of the proposed LUD or FLUM Category.

Resolution #183-2013 requires the property owner to provide satisfactory evidence that the existing use on the site existed lawfully in 1992 and was deemed nonconforming by final adoption of the LUD map and/or the existing use on the site existed lawfully in 1997 and was deemed nonconforming by final adoption of the FLUM. Following a review, as the light industrial building was permitted prior to the adoption of the Land Development Code, Staff has determined that the existing light industrial use existed lawfully in 1992 and was deemed nonconforming by the final adoption of the LUD map. Staff has also determined that the existing light industrial use existed lawfully in 1997 and was deemed nonconforming by the final adoption of the FLUM.

Staff has found that there is satisfactory evidence indicating that the existing URM-L LUD designation and RH FLUM designation may have been assigned in error as there are no approvals of mobile homes, or unapproved applications related to mobile homes, on the subject property. If you choose new designations that permit the existing light industrial use, Staff has determined that such applications qualify for fee exemptions to the "Comprehensive Plan, Future Land Use Map (FLUM) Amendment" of \$5,531.00 and the "Land Use District Map, Amendment-Nonresidential" fee of \$4,929.00. You may submit a FLUM amendment and/or LUD amendment application without the submittal of the aforementioned application fees. However, you are responsible for all other fee requirements, including the fees for advertising (\$245.00 per application) and noticing (\$3.00 per each surrounding property per application). Please note that you are eligible for these fee waivers so long as such waivers are permitted by the fee schedule. If the fee schedule is amended to remove such a provision in the future, you may not be eligible to submit the application without such application fees.

In the letter of understanding application, the County is instructed to modify the LUD to Mixed Use (MU) and the FLUM to Mixed Use / Commercial (MC). Resolution #183-2013 requires the property owner to apply for a LUD and/or FLUM designation(s) that would eliminate the non-conforming use. Further, it is the responsibility of the property owner to decide upon a new LUD and FLUM designation and submit the corresponding applications and noticing/advertising fees.

In addition, Staff is not obligated to recommend approval of any LUD or FLUM designations proposed by the property owner. Resolution #183-2013 requires a LUD and/or FLUM designation(s) that would not create an adverse impact to the community. Staff is required to review the application on its merit and determine upon a full review that it would not create an adverse impact to the community and it is consistent with the provisions of the CP and MCC. If you choose to pursue MU LUD and MC FLUM designations, please be aware that while they would eliminate the nonconformity, such amendments would also result in additional residential density being associated with the subject property. Approval may not be granted due to CP 101.4.20, which concerns amendments which increase allowable density, and CP Policies 108.1.1 and 108.2.5, which concern amendments which, if approved, affect the intensity, density, or use of the land adjacent to or in close proximity to the Naval Air Station Key West (within the Military Installation Area of Impact (MIAI)).

For your information, the following FLUM categories and underlying LUD categories would permit light industrial use:

- Mixed Use / Commercial Fishing (MCF) FLUM:
 - Commercial Fishing Area (CFA) LUD: MCC §130-77(c)(9) [provided that light industrial uses are intended to serve the needs of the commercial fishing industry]
- Industrial (I) FLUM:
 - Industrial (I) LUD: MCC §130-77(a)(7)
 - Maritime Industries (MI) LUD: MCC §130-85(a)(4)
- Mixed Use / Commercial (MC) FLUM:
 - Mixed Use (MU) LUD: MCC §130-77(b)(9) and §130-77(c)(7)
 - Maritime Industries (MI) LUD: MCC §130-85(a)(4)
 - Suburban Commercial (SC): MCC §130-93(c)(7)
- Commercial (C) FLUM:

- Commercial 1 (C1): MCC §130-102(b)(4)
- Commercial 2 (C2): MCC §130-103(b)(4)

* * * * *

Pursuant to MCC §110-3, you are entitled to rely upon the representations set forth in this letter as accurate under the regulations currently in effect. This letter does not provide any vesting to the existing regulations. If the Monroe County Code or Comprehensive Plan is amended, the project will be required to be consistent with all regulations and policies at the time of development approval. The Department acknowledges that all items required as a part of the application for development approval may not have been addressed at the meeting, and consequently reserves the right for additional comment.

You may appeal decisions made in this letter. The appeal must be filed with the County Administrator, 1100 Simonton Street, Gato Building, Key West, FL 33040, within thirty (30) calendar days from the date of this letter. In addition, please submit a copy of your application to Planning Commission Coordinator, Monroe County Planning & Environmental Resources Department, 2798 Overseas Highway, Suite 410, Marathon, FL 33050.

We trust that this information is of assistance. If you have any questions regarding the contents of this letter, or if we may further assist you with your project, please feel free to contact our Marathon office at (305)289-2500.

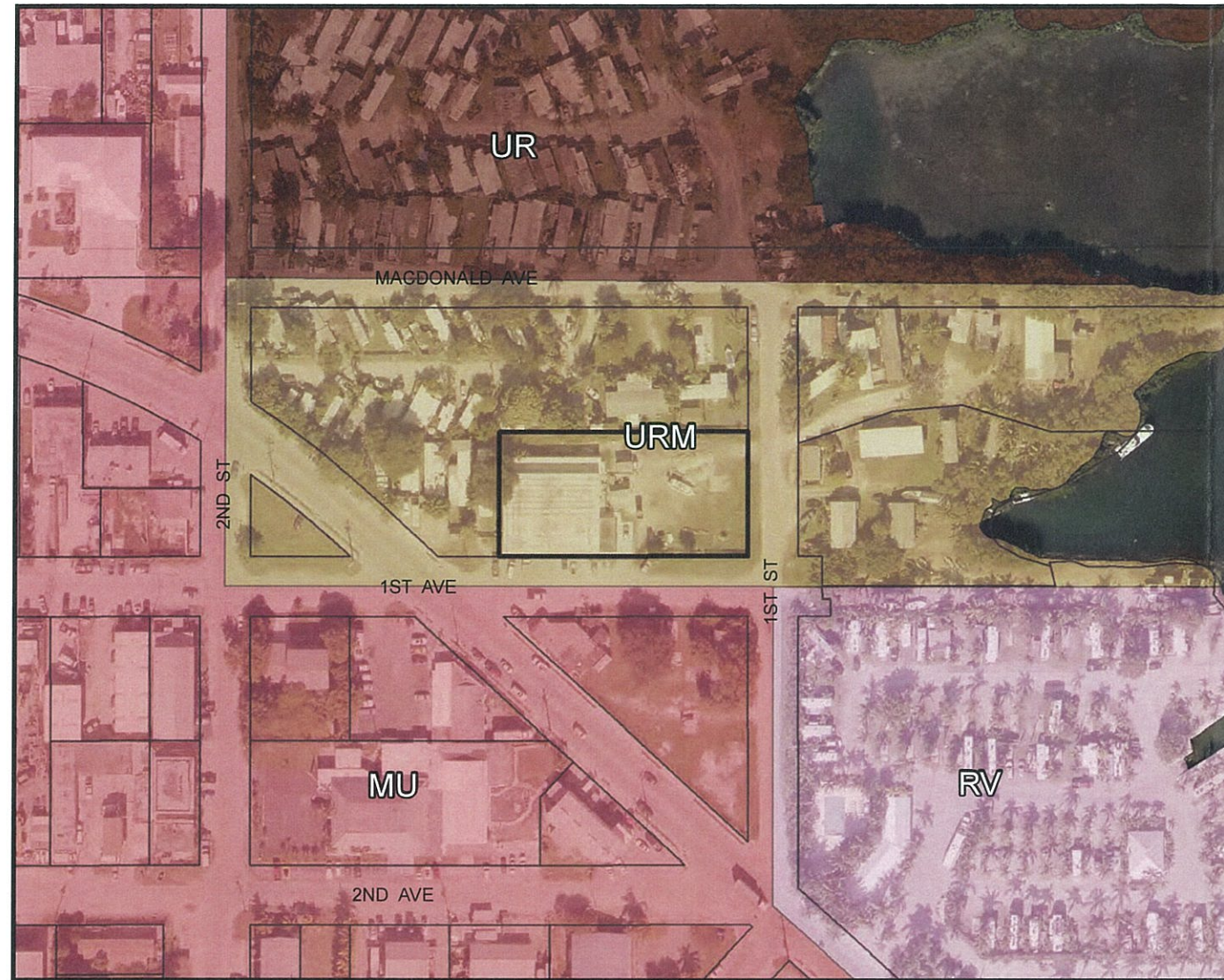
Sincerely yours,



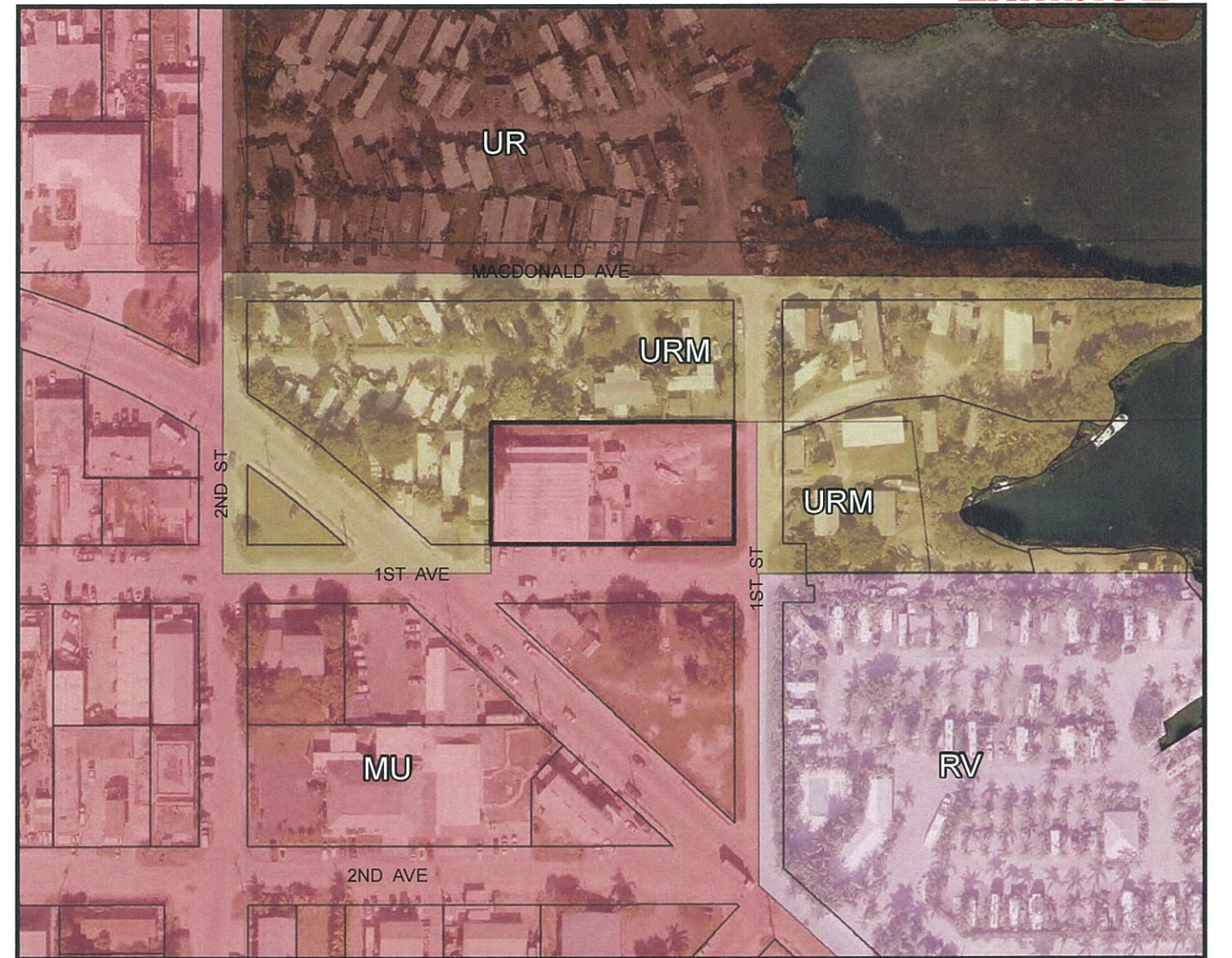
Townsley Schwab, Senior Director of Planning & Environmental Resources

CC: Joseph Haberman, Planning & Development Review Manager
Mayte Santamaria, Assistant Director of Planning & Environmental Resources
Michael Roberts, Senior Administrator of Environmental Resources

Monroe County Land Use Amendment

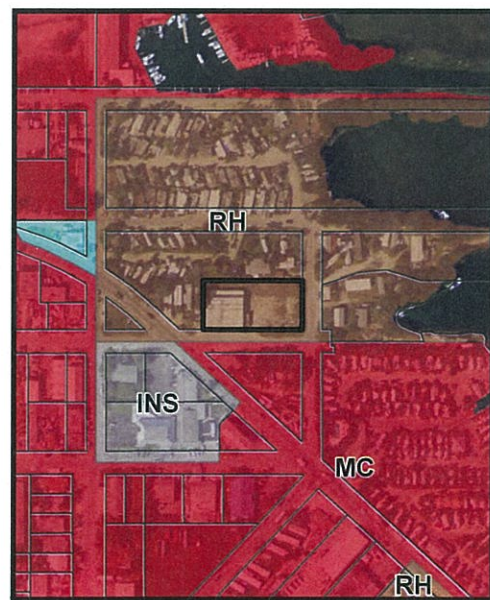


Existing Conditions

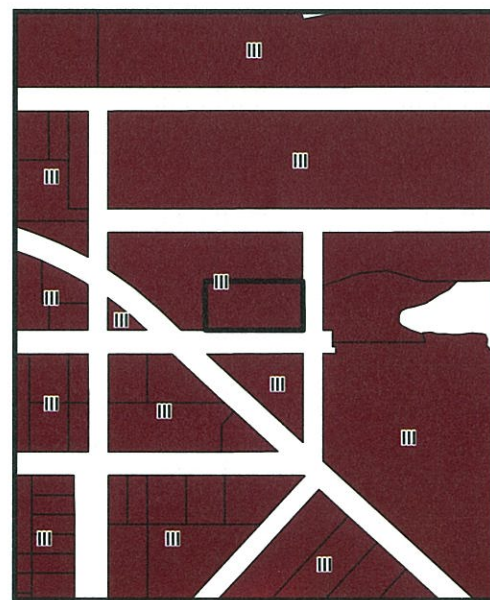


Proposed Conditions


Land Use Designations: AD = Airport District; CD = Conservation District; CFA = Commercial Fishing Area; CFSD = Commercial Fishing Special District; DR = Destination Resort; I = Industrial; IS = Improved Subdivision; MF = Military Facilities; MI = Maritime Industries; MN = Mainland Native Area; MU = Mixed Use; NA = Native Area; OS = Offshore Island; PR = Park and Refuge; RV = Recreational Vehicle; SC = Suburban Commercial; SR = Suburban Residential; SS = Sparsely Settled; UC = Urban Commercial; UR = Urban Residential; URM = Urban Residential Mobile Home



Future Land Use



Tier Designation



Growth Management Division

We strive to be caring, professional, and fair.

The Monroe County Land Use District is proposed to be amended as indicated above and briefly described as:

Key: Stock Island Mile Marker: 5 Map Amendment #: _____
Acreage: 0.73 Land Use District Map #: 576

Ordinance No.: _____
Date of Adoption: _____

Proposal: Land Use change of one parcel of land in Stock Island having Real Estate Number: 00124700-000000 from Urban Residential Mobile Home (URM) to Mixed Use (MU).

Property Description:
RE Number: 00124700-000000

Monroe County LUD Zone	Color	Description
1	Blue	Industrial
2	Orange	Commercial
3	Green	Residential
4	Yellow	Conservation
5	Purple	Military
6	Light Blue	Maritime
7	Dark Green	Conservation
8	Light Green	Conservation
9	Dark Blue	Conservation
10	Light Yellow	Conservation
11	Dark Yellow	Conservation
12	Light Orange	Conservation
13	Dark Orange	Conservation
14	Light Green	Conservation
15	Dark Green	Conservation
16	Light Blue	Conservation
17	Dark Blue	Conservation
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441	Dark Blue	Conservation
44		



MONROE COUNTY, FLORIDA
MONROE COUNTY BOARD OF COUNTY COMMISSIONERS
ORDINANCE NO. ____ - 2017

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM URBAN RESIDENTIAL-MOBILE HOME (URM) TO MIXED USE (MU), FOR PROPERTY LOCATED AT 5713 FIRST AVENUE, SOUTH STOCK ISLAND, MILE MARKER 5, LEGALLY DESCRIBED AS BLOCK 34, LOTS 11, 12, 13, 14, AND 15, MCDONALD'S PLAT OF STOCK ISLAND (PLAT BOOK 1, PAGE 55), STOCK ISLAND, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE #00124700.000000, AS PROPOSED BY STANDARD MARINE SUPPLY CORP; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AMENDMENT TO THE LAND USE DISTRICT (ZONING) MAP; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on October 11, 2016, Standard Marine Supply Corp submitted an application requesting to amend the Land Use District (Zoning) map of the Monroe County Year 2030 Comprehensive Plan from Urban Residential-Mobile Home (URM) to Mixed Use (MU); and

WHEREAS, the subject property is located at 5713 First Avenue, South Stock Island, Mile Marker 5, legally described as Block 34, Lots 11, 12, 13, 14, and 15, McDonald's plat of Stock Island (Plat Book 1, Page 55), Stock Island, Monroe County, Florida, having real estate number 00124700.000000; and

WHEREAS, the subject property is currently developed with a lawfully established light industrial use, including a 9,963 SF auto parts/repair building and associated outdoor storage; and

WHEREAS, the current Zoning designation of URM does not allow light industrial uses and therefore the existing use is considered nonconforming to the provisions of the Land Development Code; and

1 **WHEREAS**, Standard Marine Supply Corp is requesting a change to the Zoning
2 designation in order to eliminate the nonconformity for the existing light industrial use; and
3

4 **WHEREAS**, the applicant has submitted an application for a corresponding Future Land
5 Use Map (FLUM) amendment for the subject parcel from Residential High (RH) to Mixed
6 Use/Commercial (MC); and
7

8 **WHEREAS**, the Monroe County Development Review Committee considered the
9 proposed amendment at a regularly scheduled meeting held on the 13th day of December, 2016;
10 and
11

12 **WHEREAS**, the Monroe County Planning Commission held a public hearing on the 25th
13 day of January, 2017, for review and recommendation on the proposed Future Land Use Map
14 amendment; and
15

16 **WHEREAS**, the Monroe County Planning Commission adopted Resolution No. P__-__
17 recommending _____ of the proposed Zoning map amendment, contingent on adoption
18 and effectiveness of the corresponding FLUM amendment; and
19

20 **WHEREAS**, at a regularly scheduled meeting held on the ____ day of
21 _____, the Monroe County Board of County Commissioners held a public hearing,
22 considered the staff report, and provided for public comment and public participation in
23 accordance with the requirements of state law and the procedures adopted for public
24 participation in the planning process; and
25

26 **WHEREAS**, based upon the documentation submitted and information provided in the
27 accompanying staff report, the BOCC makes the following Findings of Fact:
28

- 29 1. Prior to the 1986 adoption of the County's current land development regulations and
30 their associated land use district maps, the subject property was within a BU-2 district
31 (Medium Business); and
32
- 33 2. In 1992, with the final adoption of the current Zoning map, the subject property was
34 re-designated as Urban Residential-Mobile Home (URM); and with the adoption of
35 the Comprehensive Plan's FLUM in 1997, the subject property was given its current
36 FLUM designation of Residential High (RH); and
37
- 38 3. Map amendments to the Monroe County Land Use District Map shall not be
39 inconsistent with the provisions and intent of the Monroe County Comprehensive
40 Plan; and
41
- 42 4. Monroe County Code (MCC) §102-158 states that map amendments are not intended
43 to relieve particular hardships, nor to confer special privileges or rights on any person,
44 nor to permit an adverse change in community character, analyzed in the Monroe
45 County Comprehensive Plan, but only to make necessary adjustments in light of

1 changed conditions or incorrect assumptions or determinations as determined by the
2 findings of the BOCC; and
3

- 4 5. MCC §102-158(d)(5)(b) provides that one or more of the following criteria must be
5 met for a map amendment:
6 a. Changed projections (e.g., regarding public service needs) from those on which
7 the text or boundary was based;
8 b. Changed assumptions (e.g., regarding demographic trends);
9 c. Data errors, including errors in mapping, vegetative types and natural features
10 described in volume I of the plan;
11 d. New issues;
12 e. Recognition of a need for additional detail or comprehensiveness;
13 f. Data updates;
14
- 15 6. Map amendments to the Monroe County Land Use District Map shall not be
16 inconsistent with the Principles for Guiding Development in the Florida Keys Area of
17 Critical State Concern; and
18

19 **WHEREAS**, based upon the documentation submitted and information provided in the
20 accompanying staff report, the BOCC makes the following Conclusions of Law:
21

- 22 1. The proposed map amendment is consistent with the provisions of the Monroe
23 County Code:
24 a. As required by MCC §102-158, the map amendment does not relieve particular
25 hardships, nor confer special privileges or rights on any person, nor permit an
26 adverse change in community character, as analyzed in the Monroe County Year
27 2030 Comprehensive Plan;
28 b. As required by MCC §102-158(d)(5)b., the map amendment is needed due to
29 changed projections, data errors, and new issues; and
30
- 31 2. The proposed map amendment is consistent with the provisions and intent of the
32 Monroe County Year 2030 Comprehensive Plan:
33 a. The Mixed Use (MU) Land Use (Zoning) District corresponds with the Future
34 Land Use Map designation of Mixed Use/Commercial (MC), and is consistent
35 with the density and intensity standards as set forth in Policy 101.5.25;
36 b. The Mixed Use (MU) Land Use (Zoning) District is consistent with the purpose
37 of the Mixed Use/Commercial (MC) Future Land Use Map designation, as set
38 forth in Policy 101.5.6; and
39
- 40 3. The proposed map amendment is not inconsistent with the Principles for Guiding
41 Development in the Florida Keys Area of Critical State Concern;
42

43 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
44 **COMMISSIONERS OF MONROE COUNTY, FLORIDA:**
45

Section 1. The Monroe County Land Use District (Zoning) map is hereby amended as follows:

The property located at 5713 First Avenue, South Stock Island, legally described as Block 34, Lots 11, 12, 13, 14, and 15, McDonald's plat of Stock Island (Plat Book 1, Page 55), Stock Island, Monroe County, Florida, having real estate number 00124700.000000 shall be designated as Mixed Use (MU) as shown on Exhibit 1, attached hereto and incorporated herein.

This Land Use District (Zoning) map amendment is contingent on adoption and effectiveness of the corresponding FLUM amendment from Residential High (RH) to Mixed Use/Commercial (MC).

Section 2. **Severability.** If any section, subsection, sentence, clause, item, change, or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such validity.

Section 3. **Repeal of Inconsistent Provisions.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 4. **Transmittal.** This ordinance shall be transmitted to the Florida State Land Planning Agency as required by F.S. 380.05(11) and F.S. 380.0552(9).

Section 5. **Filing.** This ordinance shall be filed in the Office of the Secretary of the State of Florida but shall not become effective until approved by the Florida State Land Planning Agency and, if appealed, until the appeal is resolved pursuant to Chapter 120 of the Florida Statutes.

Section 6. **Inclusion on the Monroe County Code's Official Land Use District Map.** The provisions of this Ordinance shall be included and incorporated on to the Official Land Use District Map of Monroe County.

Section 7. **Effective Date.** This ordinance shall become effective as provided by law and stated above.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the ____ day of _____, 201__.

Mayor George Neugent	_____
Mayor <i>Pro Tem</i> David Rice	_____
Commissioner Heather Carruthers	_____
Commissioner Danny L. Kolhage	_____
Commissioner Sylvia Murphy	_____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

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BY

Mayor George Neugent

(SEAL)

ATTEST: KEVIN MADOK, CLERK

DEPUTY CLERK